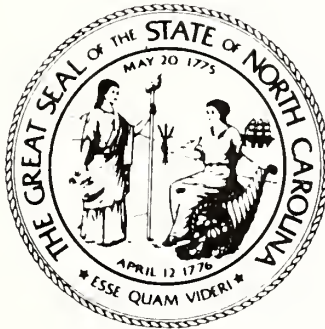


# **SPECIAL COMMITTEE ON PRISONS**

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1985 GENERAL ASSEMBLY  
OF NORTH CAROLINA  
1986 SESSION**



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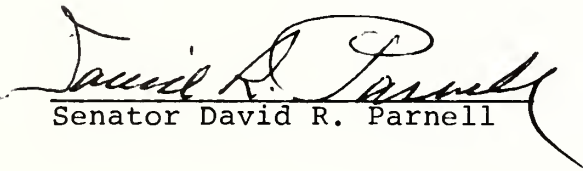
May 19, 1986

To the Honorable Robert B. Jordan, III., Lieutenant Governor, and the Honorable Liston B. Ramsey, Speaker of the House of Representatives, and Members of the 1986 General Assembly.

Transmitted herewith is the report of the findings, conclusions, and recommendations of the Special Committee on Prisons. The Committee requests that it be authorized to continue its work and to submit a final report to the 1987 Session of the General Assembly.

The work of the Committee was authorized by the Lieutenant Governor and the Speaker of the House of Representatives and was performed in accordance with their instructions.

Respectfully submitted,

  
Senator David R. Parnell

  
Representative Anne Barnes





PREFACE

The Special Committee on Prisons was established by Lieutenant Governor Jordan and Speaker Ramsey in December, 1985. (See Appendix I.)

The letters authorizing the Committee instructed it to 1) examine the various prison units located throughout the State and report on what should be done to upgrade the physical facilities to meet federal guidelines, if any, and, 2) review the overall corrections system to identify problems resulting from overcrowding, pending litigation, and other issues pertaining to the operation of prisons in North Carolina. The Committee was instructed to work with the Attorney General, the State Auditor, the Department of Correction and other State agencies involved in programs affecting the prison population. The Committee's report is to be submitted to the 1986 Session of the General Assembly.

The Committee consists of 10 members with five members of the Senate appointed by the Lieutenant Governor and five members of the House of Representatives appointed by the Speaker of the House. In addition, because the Advisory Budget Commission would be examining the issue of corrections as it prepared budget recommendations for FY 1986-87 and the 1987-89 Biennium, the Chairman and Vice-Chairman of that Commission were invited to attend the meetings and provide input into the process. (See Appendix II.) A list of the membership and staff of the Committee is shown in Appendix III.

The Lieutenant Governor and the Speaker of the House of Representatives, as Co-chairmen of the Governmental Operations Committee, also requested that the Department of State Auditor conduct an operational audit of the State prison system. (See Appendix IV.) The audit was to "provide useful information in helping the General Assembly determine appropriate funding for the prison system", and the report would be reviewed by the Special Committee on Prisons and incorporated into its findings and recommendations.

The organizational meeting was held on December 17, 1985, at which time the Lieutenant Governor and the Speaker of the House gave instructions to the Committee. A total of seven (7) one-day meetings have been held as well as team visits to four prison units. The Committee has heard presentations from legislative staff, the Department of State Auditor, the Office of the Attorney General, the Department of Correction, the Department of Crime Control and Public Safety, the Department of Human Resources and the Institute of Government. A list of persons appearings before the Committee is shown in Appendix V, and written information presented to the Committee is listed in Appendix VI. Minutes of all Committee meetings are available in the Legislative Library.

The Committee recommends various changes and appropriations to the 1986 Session of the General Assembly. A listing and discussion of these recommendations begins on page 15.

BACKGROUND

Since 1974, \$114,106,354 has been expended and appropriated for new capital construction projects in the Division of Prisons. A total of 3,604 new beds have been constructed and an additional 1,280 beds have been obtained by converting facilities transferred to the Department of Correction from the Department of Human Resources. (See Appendix VII.)

The Department of Correction has recently had several lawsuits filed against it alleging that the State operates prisons which have unconstitutional conditions of confinement. In June 1985, the General Assembly appropriated approximately \$12,500,000 to improve conditions at facilities located in the South Piedmont Area of the Department of Correction. In September 1985, a consent agreement was reached with plaintiffs from that area. The funds are being expended primarily to eliminate triple-bunking in sleeping areas, improve ventilation, lighting, heating, and smoke detection in dormitories, construct recreational facilities, improve medical care, provide adequate clothing and bedding, establish full-time educational, vocational, and work programs for 80% of the inmates, and provide additional staff for supervising inmates.

There are five other geographic areas in which the Department of Correction operates prison facilities, and widespread recognition exists that the system will need further improvement in the future. In response to this, the

Ten-Year Plan formulated by the Department of Correction includes \$203,000,000 for construction and operation of additional beds and for implementation of some community alternatives. Before expending such large amounts of taxpayers' money on capital construction to continue to incarcerate those convicted of non-violent crimes, there is a need to plan very thoroughly for improvements in the existing correctional system and for developing additional alternatives to incarceration.

The Committee has thoroughly examined the range of punishment options available to the judicial system and has identified areas which need improvement. It is essential that the plan for the future continue to provide appropriate punishment for convicted offenders. It is also important that an opportunity be afforded to help offenders become law-abiding productive citizens.

COMMITTEE PROCEEDINGS

December 17, 1985

The initial meeting of the Special Committee on Prisons was held on December 17, 1986. The Lieutenant Governor and the Speaker of the House of Representatives stated their charges to the Committee which were to:

- I. Examine the various prison units to see what should be done to upgrade physical facilities to meet federal guidelines, if any;
- II. Examine the overall existing correctional system and make recommendations about improvements in both prisons and alternatives to incarceration;
- III. Examine the recommendations made by the State Auditor's operational audit of the correction system and take appropriate action.

Ed Renfrow, State Auditor, explained the subject area of the audit requested by Lt. Governor Jordan and Speaker Ramsey. He explained the methodology used in conducting an operational audit, and stated that his office would make interim reports before the final report was made in May, 1986.

The Committee then moved to Executive Session to hear Andrew Vanore, Deputy Attorney General, and Lucien Capone, Assistant Attorney General, Department of Justice, discuss various lawsuits pending against the Department of Correction.

After Executive Session was completed, a discussion was held about the juvenile training schools. It was recommended that the scope of the operational audit be expanded to include an examination of these facilities which are operated by the Department of Human Resources.

January 27, 29, 30, February 13, 1986

In order to gain first-hand knowledge of the conditions in the prison system, Committee members and staff from the General Assembly, the Department of State Auditor, the Department of Justice, and the Department of Correction toured Pender County Unit, Scotland County Unit, Craggy Prison, and the N.C. Correctional Center for Women on the above-noted dates. The field units were generally found to be neat and clean, but the units had more inmates than their maximum operating capacity and three were triple-bunked. There appeared to be a need for more toilet facilities, additional dormitory and recreational space, vocational/educational opportunities, and improved security.

February 13, 1986

The full Committee met and received two operational audit reports entitled "The Community Service Program as Administered by the Department of Crime Control and Public Safety" and "Adult Probation and Parole as Administered by the Department

of Correction and the Parole Commission." Ray Mozingo, Assistant State Auditor Supervisor of the Department of State Auditor, reviewed the findings and recommendations of both reports with the Committee. (See Appendix VIII and IX for the Executive Summaries of these reports.)

The Committee also heard reports on the four prison facilities which members had visited in January and February, 1986.

March 12, 1986

Members of the Legislative Research Committee on Community Service, Alternative Punishment and Restitution and Inmate Work Release Centers were invited to attend this meeting. It was expected that some recommendations from that committee would be transmitted to the Special Committee on Prisons for further study and action.

Ben Irons, Executive Administrative Assistant, Department of Correction, answered several questions about deferred sentencing and temporary leaves for pregnant females and the effect of DWI inmates and safekeepers on the prison population.

Aaron J. Johnson, Secretary, Department of Correction, introduced Scott Harvey, Deputy Secretary, and John Higgins,



Deputy Secretary, to present the 10-Year Plan for the Department of Correction. The Plan proposed:

- 1) expansion of existing facilities
- 2) construction of new facilities
- 3) private construction and operation of 700 beds
- 4) redesignation and conversion of other state facilities

The plan also called for expansion of intensive probation and parole teams, increased staffing for regular probation and parole, and implementation of a "house arrest" pilot program. If these alternatives to incarceration are effective, it is projected in the Department's plan that \$86,432,000 will be needed for capital projects during the next ten years. If the alternatives are not effective, the Department of Correction projects that \$203,399,000 will be needed for approximately 10,000 additional beds during the same period.

Joseph Dean, Secretary, Department of Crime Control and Public Safety, and Alma Brown, Deputy Director, Division of Victim and Justice Services, of that department presented information on the additional funds needed to expand the Community Service and the Community Penalties programs.

A discussion on expanding work release centers was held. It was decided that legislative and Department of Correction staff would work together to determine the most feasible locations for additional centers based on economic and inmate



data. The State Building Division would then be requested to examine vacant public buildings for suitability for such centers.

Bill Billings, Audit Manager of the Department of State Auditor, reviewed a report on statistics of the prison population, and discussed projecting the prison population for future years.

March 25, 1986

The full Committee heard a report by Dr. Stevens Clarke, Assistant Director of the Institute of Government, on recidivism of inmates and the factors which appear to be related to their return to prison. He also described a current study of recidivism of probationers and a future evaluation of the intensive probation program.

Carolyn Wyland, Senior Fiscal Analyst, and Michele Nelson, Fiscal Analyst, Fiscal Research Division, reviewed all programs of incarceration or community alternatives available in North Carolina including the State penal system, adult probation and parole, intensive probation and parole, Community Penalties, Community Service Work, Treatment Alternatives to Street Crimes, Alcohol and Drug Education Traffic Schools, Drug Education Schools, and DWI Substance Abuse Assessment.

Nevelle Jones, Chief of Classification of the Department of Correction, discussed the system of classifying inmates to different levels of custody and how that affects inmate participation in various programs.

The Committee then moved to Executive Session for a discussion with Andrew Vanore and Lucien Capone of the Department of Justice on lawsuits pending against the Department of Correction.

April 8, 1986

The full Committee met on April 8, 1986. A report on the evaluation of the effectiveness of the Community Penalties program in Hickory, N.C. was presented by Dr. Stevens Clarke, Institute of Government. Dr. Jay Williams, North Carolina State University, discussed an evaluation of all five Community Penalties programs now operating in the State. It is anticipated that this report will be completed in June, 1986.

Robert Hassell, Director, Division of Victim and Justice Services, presented the cost of implementing the Community Penalties program on a statewide basis. It was requested by the Committee that an intermediate plan be presented for this program expansion.

Lynn Phillips, Program Services Director, Division of Prisons, discussed the educational and vocational courses offered to inmates at all the State-operated prison facilities.

It was noted that there appear to be disparities in course offerings, and this was attributed to demand, space, funding, and movement of inmates.

David Crotts, Senior Fiscal Analyst of the Fiscal Research Division, presented data on past and present unemployment rates in North Carolina, registered job applicants by category, and general population and prison admission increases by county. This information was to be used in determining locations for additional work release centers.

Lynn Phillips, Division of Prisons, presented data on locations of minimum custody facilities, inmate job assignments, suitable locations for additional minimum custody units, policies on classification of inmates, and assignment of inmates to home areas.

Joseph Hamilton, Assistant Director for Management Services, Division of Prisons, explained staffing patterns for newly constructed minimum custody units in comparison to those converted from other uses.

May 1, 1986

The full Committee met and heard information on the revocation rate of inmates paroled after participating in the Pre-Release and Aftercare Training Program compared to parolees who had not participated. Data was also presented on inmates participating in the Work Release Program and on inmates who escaped while participating in that program.

The Committee then received the "Preliminary Report to the Special Committee on Prisons". (See Appendix X for the Executive Summary.) Ed Renfrow, State Auditor, Bill Billings, Ray Mozingo, Curtis Clark, Gregory Berns and Ruth Starnes of the Department of State Auditor presented the report which had been requested by the Lieutenant Governor and the Speaker of the House.

The following recommendations, among others, are contained in the report:

- 1) construct eighteen 100-man dormitories at existing facilities;
- 2) replace Craggy Prison with a 300-bed medium custody unit;
- 3) renovate and repair older facilities where feasible;
- 4) construct additional dormitories at existing facilities as funding becomes available;
- 5) expand intensive probation to provide supervision for an additional 990 probationers;
- 6) increase the number of probation officers by 78, thus reducing the average caseload to 100 per officer;
- 7) expand the Community Penalties program to all judicial districts and make it a state- funded and controlled program; and,
- 8) utilize the community service parole program to parole as many non-violent prisoners as possible.

May 8, 1986

In its final meeting, the Special Committee on Prisons received information from Carolyn Wyland, Fiscal Research Division on sites for additional work release centers.

The Committee then considered recommendations set forth by the chairmen, and adopted the following final recommendations to be made to the 1986 Session of the General Assembly. The Legislative staff is presently drafting appropriate language regarding these recommendations for consideration by the General Assembly.



## RECOMMENDATIONS





REPLACE CRAGGY PRISON

Recommendation:

Replace Craggy Prison with a three-hundred (300) bed medium custody facility consisting of three 100-man South Piedmont Area type dormitories, to be located in Buncombe County. Fifty (50) square feet of living space would be provided per inmate. (Estimated cost: \$5,664,000 plus land cost.)

Rationale:

Craggy Prison is located in Buncombe County and was constructed in 1932. It is a medium custody facility for adult males and has a maximum operating capacity of 194 inmates. The facility is in need of extensive renovations if it is to continue in use for housing inmates. Both the State Auditor and the Department of Correction have stated that there is a need to replace Craggy Prison and to provide more medium custody beds in the Western Area. The new facility would provide space for the number of inmates presently at Craggy Prison and provide for one-hundred (100) additional beds.

ADDITIONAL BEDS FOR FEMALE INMATES

Recommendations:

Construct two-hundred (200) additional dormitory beds for female inmates. Fifty (50) square feet of living space would be provided per inmate. (Estimated cost: \$2,400,000).

House minimum custody female inmates, who are participating in Work Release, Study Release, and other external programs in Wake County, outside the fenced perimeter of the North Carolina Correctional Center for Women.

House other minimum custody female inmates separate from the medium, close, and maximum custody inmates at the North Carolina Correctional Center for Women to the maximum extent possible.

Rationale:

The Department of Correction presently has three facilities for female inmates. The North Carolina Correctional Center for Women (NCCCW) is located in Raleigh, has a maximum operating capacity of 500 inmates, and houses maximum, close, medium, and minimum custody grades. Currently these inmates are not separated by custody level. Fountain Correctional Center is located in Rocky Mount and has a maximum operating capacity of 200 minimum custody inmates. The Treatment Facility for Women is a 14-bed facility in Wilmington and houses females on the Work Release and Study Release programs. A fourth facility, located in Black Mountain, will open July 1, 1986, and will house 50 minimum custody female inmates.

The State Auditor's Report revealed the following problems related specifically to female inmates in the Department of Correction:

- 1) Facilities are overcrowded, particularly NCCCW;
- 2) NCCCW and Fountain Correctional Center have staff shortages;
- 3) The age and physical condition of NCCCW are of concern;
- 4) All custody levels are housed at NCCCW;
- 5) NCCCW has the only reception and processing center for females;
- 6) Use of the transfer bus system and prison hospital facilities is not available.
- 7) Females have special medical care needs; and,
- 8) Safekeepers from county jails are housed at NCCCW.

Construction of two-hundred additional dormitory beds and the opening of the 50-bed facility at Black Mountain should alleviate the overcrowded conditions of NCCCW and provide a means of separating minimum custody female inmates from those in other custody levels.

ESTABLISH MINIMUM CUSTODY BEDS  
IN GREENE, GUILFORD, AND BUNCOMBE COUNTIES

Recommendations:

Establish additional minimum custody beds in Guilford County by adding a 100-man dormitory at the Guilford I unit. Fifty (50) square feet of living space would be provided per inmate. (Estimated cost: \$1,213,400)

Establish minimum custody units in Greene County and Buncombe County by purchasing and renovating existing vacant schools or constructing facilities for use as work release centers. (Estimated cost: \$2,314,247)

Rationale:

The Department of Correction has expressed a need for additional minimum custody beds for work release inmates in certain areas of the State. In addition, the Study Committee on Community Service Alternative Punishment and Restitution and Inmate Work Release Centers referred to the Special Committee on Prisons a recommendation that vacant and underutilized public buildings be examined for use as work release centers.

The Committee examined the feasibility of converting a vacant school in Guilford County to a 150-man minimum custody facility for inmates participating in community programs. It was determined that purchase and renovation of this school would cost approximately \$1,403,280 as opposed to constructing a 100-man dormitory at the existing Guilford I unit. Staff

costs for the converted school would be \$757,256 per year compared to approximately \$215,000 for supervision in a new dormitory.

The Department of Correction has located a vacant school in Greene County which could be purchased and renovated for approximately \$1,314,247. This facility would house 150 inmates, and annual staff costs are estimated to be \$812,313.

There are presently no minimum custody facilities in Buncombe County. The recommendation is to allocate \$1,000,000 to establish a unit for inmates participating in work release, study release, and other community programs in the Asheville area.

RENOVATE EXISTING DORMITORIES

Recommendation:

Fund renovations, similar to those made in dormitories in the South Piedmont Area, for the remaining fifty-two (52) field units. (Estimated cost: \$1,368,348)

Rationale:

The 1985 Session of the General Assembly appropriated funds for renovating the existing dormitories at the 12 field units in the South Piedmont Area. A budget of \$45,000 for each dormitory was approved in order to 1) upgrade heating, cooling, ventilation, and lighting systems, 2) replace missing screens and windows, and 3) install smoke detectors. The State Auditor's report states that these renovations are actually anticipated to cost \$25,000 per dormitory. This appropriation would provide approximately \$26,000 per dormitory for the remaining fifty-two field units.

REALLOCATE EXCESS CAPITAL FUNDS

Recommendation:

Recommend that excess capital appropriation, made by the 1985 Session of the General Assembly for the South Piedmont Area facilities, be utilized to improve support systems (wiring, bathrooms, roofs, sewer, water) at units in the South Piedmont Area and in other areas. (Estimated reallocation: \$3,000,000)

Rationale:

The 1985 Session of the General Assembly appropriated \$9,350,000 for FY 1985-86 and \$723,000 for FY 1986-87 for capital projects in the South Piedmont Area. The appropriation was based on the following budget submitted by the Department

of Correction:	<u>FY 85-86</u>	<u>FY 86-87</u>
5 Dormitories @ \$1,480,000 each	\$7,400,000	\$
5 Recreation Buildings @ \$112,000 each	560,000	
1 Vocational Building		160,000
5 Multi-Purpose Buildings @ \$42,000 each		210,000
3 Guard Towers @ \$50,000 each		150,000
2 Guard Towers to be moved @ \$7,000 each		14,000
2 Modular Buildings to be moved @ \$1,500 each	3,000	
13 Dormitories to be renovated @ \$45,000 each	585,000	
1 Sewage Plant addition & renovation	75,000	
6400 lin. ft. Fence @ \$20		128,000
1000 lin. ft. Concertina on ground		8,000
1-10,000 ft. Access Road @ Catawba (Public Road-Relocation)	15,000	
1 Pavement Change @ Gaston (Unit Access Road)		5,000
	<u>                    </u>	<u>                    </u>
Total Construction	<u>\$8,638,000</u>	<u>\$ 675,000</u>
Design	562,000	48,000
Contingency	<u>150,000</u>	<u>                    </u>
Total Capital Projects	\$9,350,000	\$ 723,000

After examining bid contracts, expenditures to date, estimates by engineers on percentage of completion of projects, and other available data, the Department of State Auditor has estimated that approximately \$3,000,000 excess appropriation is available for reallocation.

As capital projects have progressed in the South Piedmont Area, it has become apparent that some of the support systems, such as leaking roofs, inadequate wiring, inadequate bathroom facilities, sewage, etc., are in need of repair. The excess of capital funds appropriated in 1985 can be reallocated to upgrade these support systems at field units throughout the State.



UTILIZATION OF DORMITORY AT CAMERON MORRISON

Recommendation:

Recommend that the Senate and House Appropriations Committees on Justice and Public Safety study the feasibility of utilizing the vacant dormitory at Cameron Morrison.

Rationale:

In order to reduce overcrowding of medium custody youth, the Committee considered appropriating funds to renovate a vacant dormitory at Cameron Morrison. Approximately \$48,200 would be needed for the renovation, and eighty (80) inmates could be housed in the building.

The original estimate to staff the facility was \$426,000. However, during Committee deliberations, the Department of Correction revised this estimate to approximately \$520,000. The dormitory would require 24-hour supervision by an officer on each of the two floors and 24-hour supervision in two guard towers. It is located some distance from the other major buildings of the unit, and two guard towers would need to be moved to provide adequate observation.

Because new cost estimates and other conflicting information was presented at the final meeting, the Committee felt it best that these data be referred to the Appropriations Committees for final decision.

CONSTRUCT DORMITORIES AT STONEWALL JACKSON SCHOOL

Recommendation:

Construct two 50-person dormitories at Stonewall Jackson Training School. (Estimated cost: \$700,000)

Rationale:

The Special Committee on Prisons requested that the State Auditor's report include evaluation of the training school facilities for juveniles under the supervision of the Division of Youth Services, Department of Human Resources. The report states that four buildings which were constructed between 1907 and 1935 are used as dormitories for twenty-five to thirty students. These buildings are constructed of wood framing and wood floors and have brick walls. The buildings are not locked because they are not in compliance with fire safety codes.

The State Auditor's report recommended the construction of two 50-person dormitories to be constructed in compliance with American Correctional Association standards. (See pages 34-35 for additional recommendations regarding training schools.)

EXPANSION OF INTENSIVE SUPERVISION

Recommendation:

Expand intensive supervision for a selected group of felons who do not appear to be a physical threat to the community. The number of teams would be expanded by thirty (30) two-man teams and six (6) three-man teams and could provide supervision to an additional 990 prison-bound offenders. (Estimated cost: \$2,735,200)

Rationale:

There are currently nine intensive probation teams in the state and each has a maximum caseload of twenty-five offenders. The committee supports the recommendation of the State Auditor to expand intensive probation as a viable means of reducing prison overcrowding. This expansion would be effective July 1, 1986.

REDUCE REGULAR PROBATION CASELOAD

Recommendation:

Increase funding to reduce probation caseload to one officer per 95 probationers. A total of 121 officers, 17 supervisors, and 17 support staff are needed. Fund 50% effective October 1, 1986, and 50% effective February 1, 1987. (Estimated cost: \$2,458,000)

Rationale:

There are 57,000 probationers and 492 probation officers supervising a caseload of approximately 115 each. This number is too high and results in less effective supervision. The reduced caseload will allow officers to provide more effective supervision and eliminate limited telephone contacts. The FY 1986-87 cost of additional staff is \$2,458,000 and the annualized cost is \$4,274,926.

UTILIZATION OF PAROLE OPTIONS

Recommendation:

In accordance with the figures presented in the Ten-Year Plan, recommend that the Department of Correction increase the utilization of various parole options to parole as many non-violent inmates, who pose no threat to the community, as possible.

Rationale:

The Department of Correction supports increased use of parole as a means of reducing the prison population and of assisting inmates in their transition back into the community. By January, 1987 the Pre-Release and Aftercare Program anticipates an additional 1400 inmates will be placed on supervised parole in one of the following categories: 180-day community service parole, Committed Youthful Offender, Mutual Agreement Paroles, or misdemeanor parole. The projections from program staff indicate 500 inmates can be paroled during FY 1986-87. The Committee endorses the Department's more efficient use of supervised parole.

INCREASE PAROLE OFFICERS

Recommendation:

Expand the number of parole officers by eight to maintain caseload of 1 officer per 56 parolees.\* (Estimated cost: \$221,190)

Rationale:

The Pre-Release and Aftercare (PRAC) Program assists the Parole Commission in selection and supervision of inmates eligible for parole. According to the Ten-Year Plan, parole cases have increased 54 percent and the Department anticipates an additional 1,400 cases by January 1987, increasing the total number of cases to 4,000. To accommodate the additional responsibilities in investigations, pre-release adjustment training, and supervision, the program will need additional staff.

The State Auditor endorses an increase of parole officers given an increase in caseload. The primary emphasis of the audit report, however, is to maintain the effectiveness of the Pre-Release Training component, which provides re-socialization for inmates.

\*Note: The Appropriations Subcommittees on Justice and Public Safety will hear additional data to determine the actual impact additional staff has on caseload.

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Recommendation:

Recommend that the Department of Correction experiment, at no cost to the State, with electronic surveillance of offenders placed on house arrest. If the program is not funded by a grant, the Department of Correction may request funds from the 1986 Session of the General Assembly.

Rationale:

A number of states are experimenting with programs that reduce prison overcrowding by diverting offenders who may be safely supervised in the community. House arrest, in conjunction with electronic surveillance, is one such program which the Department of Correction plans to pilot during the 1986-87 fiscal year. Winston-Salem has been selected for the project because of the high number (776) of offenders incarcerated from that area in 1984. The Department will conduct the project in collaboration with the Administrative Office of the Courts. Probation/Parole Officers in Winston-Salem will have available for use twenty (20) transmitters and twenty (20) arrest units.

It is anticipated that the project would be funded by the Z. Smith Reynolds Foundation. If funding is not approved by the foundation, the Senate and House Appropriations Subcommittees on Justice and Public Safety may consider an allocation for the project. The cost to operate the project one year is \$25,000.

EXPANSION OF THE COMMUNITY PENALTIES PROGRAM

Recommendation:

Expand the Community Penalties Program in the Department of Crime Control and Public Safety to four additional judicial districts effective July 1, 1986. (Estimated cost: \$218,597)

Rationale:

The Community Penalties Program was authorized by the General Assembly in 1983 to slow the rate of overcrowding in the state's prison system. The goal of the program is to identify and offer a diversion plan for prison-bound, non-violent H, I & J felons and misdemeanants. An alternative punishment plan is considered at the time of sentencing and may include victim restitution, community service, weekly counseling, treatment for substance abuse, etc. There are currently five programs in the State located in Raleigh, Greensboro, Asheville, Fayetteville and Hickory. The audit of the Department of Correction included a recommendation to expand the program to be available in all thirty-four judicial districts.

The Committee acknowledged the State Auditor's recommendation, but elected to delay an immediate expansion statewide. Instead, the Committee recommends initiating programs in four judicial districts (Iredell, Forsyth, New Hanover and McDowell) during FY 1987-88.



An audit of the organizational structure of community programs that receive State funding is currently in progress, and the Committee will consider the audit findings and recommendations before a decision is made regarding further statewide expansion.

## SAFEKEEPERS

### Recommendation:

The Committee recommends that all counties pay their actual cost of transporting and maintaining safekeepers in facilities operated by the Department of Correction in accordance with G.S. 162-39 (Cum. Supp. 1985).

### Rationale

G.S. 162-39 provides that a judge may order a prisoner held in any county jail be transferred to a unit of the State prison system if the local jails become overcrowded or otherwise unsuitable. These prisoners commonly are referred to as "safekeepers."

The statute further provides that the county "shall pay ... to the Department of Correction ... the actual cost of maintaining the prisoner." If the Department of Correction transports the prisoner to the prison unit, then the county also must pay to the Department of Correction the actual cost of transportation.

The transfer of large numbers of safekeepers affects the State prison system in several ways. First, most safekeepers are transferred to the State prison system on weekends when local jails make room for DWI offenders and other offenders. Second, the area district managers and the unit superintendent must adjust their inmate populations in order to accommodate the safekeepers. Thus, prisoners from one prison unit may have

to be transferred to another prison unit. These transfers result in increased transportation costs, as well as maintenance costs, to the prison system.

Currently, the Department of Correction does not bill the counties for the transportation and maintenance costs involved with safekeepers even though G.S. 162-39 clearly states that the counties shall pay the actual cost involved. The State Auditor in a Preliminary Report to the Special Legislative Committee on Prisons dated May 1, 1986 recommended that unless G.S. 162-39 is amended or repealed, "the Department of Correction should begin compliance with all the requirements specified in the Law."

This Committee concurs with the State Auditor and recommends that the Department of Correction begin compliance with the requirements of G.S. 162-39 so that the counties pay the actual cost of transporting and maintaining safekeepers in the State prison system. This recommendation makes no changes to the current law but rather recommends that the current law be enforced.

Further, the Committee recommends that the law relating to safekeepers continue to be studied by this Committee. This recommendation is discussed in the section of this Report dealing with recommendations for additional study.

IMPROVEMENTS IN TRAINING SCHOOLS

Recommendation:

Approve the following recommendations of the Preliminary Operational Audit Report concerning the training schools operated by the Division of Youth Services:

- a) Reopen and adequately staff Leonard Cottage at Dobbs School at a cost of \$315,309;
- b) Transfer Samarkand's excess population to Dobbs School in order to maintain single occupancy in single rooms;
- c) Retain the present five training schools and have the Division of Youth Services continue its efforts toward accreditation; and
- d) Provide funds for facility and equipment needs at various schools at a cost of \$345,370.

Rationale:

There are five training schools - Jackson, Juvenile Evaluation Center, Dobbs, Samarkand, and Dillion - that serve the 100 counties to provide academic and vocational education and treatment programs for youth (10-18) who cannot function in the community. The goal of the Division of Youth Services is to improve the physical plant and programs of each school in order to meet accreditation standards.

In conjunction with the audit of the Department of Correction, the Department of State Auditor was asked to determine the feasibility of closing one of the training schools and that effect on accreditation. The State Auditor's findings indicate the American Correctional Association places emphasis on treatment programs, staff and the condition of facilities when considering accreditation. Closing one of the five schools would result in overcrowding, an imbalance in the treatment staff to student ratio, and have an overall negative impact on the quality of life at the schools.

EMERGENCY POWERS ACT

Recommendation:

The Committee recommends that the provisions of the Emergency Powers Act stating that the Parole Commission may parole or release a prisoner who has less than 180 days remaining on his maximum sentence when the Secretary of Correction determines that it is necessary to reduce the prison population be increased from 180 days to 270 days.

Rationale:

In 1983 the General Assembly passed Chapter 557, AN ACT TO ACCELERATE THE PAROLE OF CERTAIN INMATES WHEN NECESSARY FOR EFFECTIVE PRISON MANAGEMENT. The preamble notes that almost 8,000 inmates in the custody of Department of Correction are eligible for parole. Further, there was no specific legislative authority for the early release of inmates when necessary for the effective management and administration of the State's prison system. Chapter 557 granted this authority.

G.S. 148-4.1(a) (Cum. Supp. 1985) states that

[w]henever the Secretary of Correction determines from data compiled by the Department of Correction that it is necessary to reduce the prison population to a more manageable level, he shall direct the Parole Commission to release on parole over a reasonable period of time a number of prisoners sufficient to that purpose.

There were 880 inmates released pursuant to this statute from April 23, 1985 to March 31, 1986.

After the Secretary of the Department of Correction determines the number of inmates that need to be released on parole to reduce the prison population to a more manageable level, the Parole Commission determines which inmates shall be released on parole. There are two groups of inmates that are eligible for release under G.S. 148-4.1. The first group includes inmates sentenced for misdemeanors and felonies that are not subject to the Fair Sentencing Act who are already eligible for parole under existing law.

The second group includes inmates sentenced for felonies under the Fair Sentencing Act who are within three months of their 90-day parole. Further, G.S. 15A-1380.2(c) authorizes the Parole Commission "to simultaneously parole and terminate supervision" of a prisoner sentenced pursuant to the Fair Sentencing Act if the "prisoner has less than 180 days remaining on his maximum sentence, and when the Commission finds that such action will not be incompatible with the public interest." Although the Parole Commission is authorized "to simultaneously parole and terminate supervision," the statute authorizes the Parole Commission to provide for supervision if appropriate. G.S. 15A-1380.2(d)

The Committee recommends increasing the time period from 180 days to 270 days for two reasons. First, it would give the

Parole Commission additional discretion in determining which inmates should be released since more inmates would be eligible. These inmates would not be automatically released, however, when they had less than 270 days remaining on their sentence. The Parole Commission still would make the determination whether the inmate should be released and whether supervision would be appropriate. Second, the Committee feels that increasing the time period would have a positive effect on prerelease programs that aid in preparing inmates for living in the community after they are paroled or released from prison.



TRAFFIC OFFENSES

Recommendation:

The Committee recommends that all traffic offenders except those convicted of hit and run, death by motor vehicle, and 2nd and subsequent DWI offenses not be committed to the State prison system, unless they have served a sentence in the local jails for a prior traffic offense. The Committee further recommends that the maximum sentence for these offenses, excluding hit and run, death by motor vehicle, and 2nd and subsequent DWI offenses, be set at not more than twelve months.

Rationale:

Currently, there are 790 inmates in the State prison system convicted of traffic offenses. This figure does not include those inmates convicted of hit and run, death by motor vehicle, and DWI. It also does not include any safekeepers convicted of traffic offenses.

These inmates generally are nonviolent offenders. The Committee feels that if an active sentence is imposed by the court it is more appropriate to incarcerate a first-time traffic offender in the local jail instead of the State prison system. Thus, the offender would remain close to his family and community while serving his sentence. If the offender is convicted of a subsequent traffic offense after having served time in the local jail for a traffic offense, he could be committed to the State prison system.

It is estimated that this would reduce the population in the State prison system by 375 inmates.

The State Auditor's staff has reported that 42 of the 50 states do not commit misdemeanants to their state prison systems. This recommendation could be a small step toward redistributing North Carolina's misdemeanor prison population which currently constitutes approximately 19 percent of the State's prison population.

EVALUATION OF COMMUNITY PROGRAMS

Recommendation:

The Institute of Government is to submit a plan and budget for evaluation of community programs to the Senate and House Appropriations Subcommittees on Justice and Public Safety for consideration during the 1986 Session of the General Assembly.

Rationale:

In an effort to reduce prison overcrowding the Special Committee on Prisons is recommending the expansion of community programs. The Committee recommends that an independent evaluation of the effectiveness of various community programs be conducted and reported to the General Assembly.



FISCAL NOTE ON ALL BILLS AFFECTING THE CORRECTIONAL SYSTEM

Recommendation:

Request House and Senate Rules Committees for 1987-88 Sessions of the General Assembly require a fiscal note on all bills that affect the correctional system.

Rationale:

All bills that are introduced in the General Assembly dealing with the correctional system, whether they are for changes in the criminal laws dealing with sentence length or some other part of the correctional process, inevitably result in the allocation of scarce resources. The Committee believes that it is important for the General Assembly to understand the fiscal impact of these decisions.

Therefore, it is recommended that the rules for both houses in the 1987-88 Sessions require the preparation of a fiscal note on any bill that deals with the correctional system.

This would be similar to actions the General Assembly has taken in the past in requiring fiscal analysis on actions that change the state employees' retirement system and laws and administrative rules that affect local governments.

RESERVE FOR THE CORRECTIONAL SYSTEM

Recommendation:

Provide a reserve of \$2,500,000 to be allocated for improvements in the correctional system as determined by the 1987 Session of the General Assembly for FY 1987-88.

Rationale:

The Special Committee on Prisons recognizes that additional improvements are necessary in the correctional system and recommends an allocation of \$2.5 million be held in reserve for this purpose.

CONTINUATION OF STUDY

Recommendation:

The Committee recommends that it continue its study of the State prison system and report to the 1987 Session of the General Assembly. Items to be studied by the Committee include, but are not limited to, the following:

1. Study additional expansion, beyond that recommended by this Committee for FY 1986-87, of intensive supervision programs for offenders on probation or parole.
2. Receive the report of the Department of State Auditor on the appropriate organization, administration, and funding of various community-based programs.
3. Study utilization of Western Correctional Center.
4. Study future utilization of Craggy Prison and laundry.
5. Study appropriateness of present law regarding safekeepers housed by the Department of Correction.
6. Study presumptive probation sentences for all misdemeanants except those who have minimum mandatory sentences.
7. Request the Department of Correction to submit for further consideration a proposal for the pilot Community-Based Punishment and Rehabilitation Program.
8. Contracting with private entities to provide housing and treatment of inmates committed to the Department of Correction.

9. Study utilization and organizational placement of Pre-Release and Aftercare Centers.
10. Continue to study the feasibility of implementing other recommendations contained in the Department of Correction's Ten-Year Plan and the State Auditor's Operational Audit Report.
11. Review recommendations of the Sentencing Committee of the Governor's Crime Commission.
12. Study the proposal that no one be sentenced to the correctional system unless a presentence report is conducted and presented to the judge.



SUMMARY TABLE OF APPROPRIATIONS  
AND REDUCTION IN OVERCROWDING

Total new beds	650
Reduction in overcrowding	2,408
Beds now under construction/renovation	792
	<u>3,850</u>

	<u>FY 1986-87 APPROPRIATION</u>
Total Capital	\$13,660,348
Total Operating	\$ 6,293,666
Total Reserve	<u>\$ 2,500,000</u>
Total Appropriation	\$22,454,014



## APPENDICES



- 46 -



OFFICE OF THE LIEUTENANT GOVERNOR  
STATE OF NORTH CAROLINA  
RALEIGH 27611

ROBERT B JORDAN III  
LIEUTENANT GOVERNOR

December 10, 1985

MEMORANDUM

To: Senators David Parnell  
Helen Marvin  
Robert Swain  
William Martin  
James C. Johnson

From: Lt. Governor Bob Jordan *Bob*

Re: Special Committee on Prisons

I appreciate your willingness to serve on this Committee, and I know your contributions will be a credit to the Senate and to the people of North Carolina.

The committee is charged with reviewing the overall corrections system to identify problems resulting from overcrowding, pending litigation and other issues pertaining to the operation of prisons in North Carolina. We would ask you to work with the Attorney General, the State Auditor, the Corrections Department and other state agencies in bringing recommendations to the 1986 Legislative Session.

The first meeting has been scheduled for Tuesday, December 17, 1985, at 1:00 p.m. in Room 626 of the Legislative Office Building.

cc: Speaker Liston Ramsey  
Attorney General Lacy Thornburg  
Mr. Terry Sullivan  
Mr. Andrew Vanore, Jr.  
Mr. Edward Renfrow  
Mrs. Sylvia Fink

North Carolina  
House of  
Representatives



Liston B. Ramsey, Speaker

Raleigh 27611

(919) 733-3451

December 9, 1985

MEMORANDUM

To: Representatives Anne Barnes  
Gerald Anderson  
C. R. Edwards  
George Holmes  
J. Jack Hunt

From: Liston B. Ramsey *LBR*

Re: Appointment of Special Committee on Prisons

As per our recent telephone conversations, I am hereby appointing you to serve on the above Committee. You are charged with the responsibility of looking at our various prison units scattered throughout the State and report back with your recommendations as to what should be done to upgrade our physical facilities so as to meet federal guidelines if there are any.

Representative Barnes will serve as House Co-Chairman of this Special Committee. The first meeting has been scheduled for Tuesday, December 17, 1985, at 1:00 p.m. in Room 626 of the Legislative Office Building.

LBR:dhb

cc: Lt. Governor Robert Jordan, III  
Mrs. Grace Collins  
Mr. Terry Sullivan  
Mr. Andy Vanore, Jr.



Joint Legislative Commission On Governmental Operations

State Legislative Building

Raleigh, North Carolina 27611

December 12, 1985

The Honorable Kenneth C. Royall, Jr.  
300 Legislative Office Building  
Raleigh, North Carolina 27611

Dear Senator Royall:

As Co-Chairmen of the Governmental Operations Committee, we have asked State Auditor Ed Renfrow for an operational audit of the North Carolina Prison System. In addition, we have established a Special Committee on Prisons charged with looking at the various prison units around the state to see what can be done to upgrade our physical facilities so as to meet federal guidelines if there are any. We have asked that the Committee make recommendations to the 1986 General Assembly Session.

We are aware that the Advisory Budget Commission will also be looking at this issue as it prepares the budget recommendations for 1986 and 1987. We would respectfully invite you, as Chairman of the Commission and Representative Dwight Quinn as Vice-Chairman to attend the meetings of the Special Committee to provide your input into the process.

The first meeting has been scheduled for Tuesday, December 17, 1985, at 1:00 p.m. in Room 626 of the Legislative Office Building.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Jordan".

Bob Jordan  
Lieutenant Governor

A handwritten signature in black ink, appearing to read "Liston".

Liston Ramsey  
House Speaker

cc: Attorney General Thornburg  
State Auditor Renfrow  
Terry Sullivan  
Ellen Johns  
Sylvia Fink  
Grace Collins  
Mary Whiting



Joint Legislative Commission On Governmental Operations

State Legislative Building

Raleigh, North Carolina 27611

December 12, 1985

The Honorable Dwight Quinn  
213 S. Main St.  
Rannapolis, North Carolina 28081

Dear Representative Quinn:

As Co-Chairmen of the Governmental Operations Committee, we have asked State Auditor Ed Renfrow for an operational audit of the North Carolina Prison System. In addition, we have established a Special Committee on Prisons charged with looking at the various prison units around the state to see what can be done to upgrade our physical facilities so as to meet federal guidelines if there are any. We have asked that the Committee make recommendations to the 1986 General Assembly Session.

We are aware that the Advisory Budget Commission will also be looking at this issue as it prepares the budget recommendations for 1986 and 1987. We would respectfully invite Senator Royall, as Chairman of the Commission, and you, as Vice-Chairman to attend the meetings of the Special Committee to provide your input into the process.

The first meeting has been scheduled for Tuesday, December 17, 1985, at 1:00 p.m. in Room 626 of the Legislative Office Building.

Sincerely,

A handwritten signature in cursive script that reads "Liston".

Liston Ramsey  
House Speaker

A handwritten signature in cursive script that reads "BJ".

Bob Jordan  
Lieutenant Governor

cc: Attorney General Thornburg  
State Auditor Renfrow  
Terry Sullivan  
Ellen Johns  
Sylvia Fink  
Grace Collins



SPECIAL COMMITTEE ON PRISONS

MEMBERSHIP

Sen. David R. Parnell, Co-Chairman  
P.O. Box 100  
Parkton, N.C. 28371  
919-858-3521

Rep. Anne Barnes, Co-Chairman  
313 Severin St.  
Chapel Hill, N.C. 27514  
919-967-7610

Sen. Robert S. Swain  
612 Northwestern Bank Building  
Asheville, N.C. 28801  
704-255-7703

Rep. Gerald Anderson  
P.O. Box 568  
Bridgeton, N.C. 28519  
919-633-2830

Sen. Helen R. Marvin  
119 Ridge Lane  
Gastonia, N.C. 28054  
704-864-2757

Rep. C. R. Edwards  
1502 Boros Drive  
Fayetteville, N.C. 28303  
919-483-6508

Sen. James C. Johnson, Jr.  
29 Church St., S.  
Concord, N.C. 28025  
704-788-3142

Rep. George M. Holmes  
P.O. Box 217  
Yadkinville, N.C. 27055  
919-679-8861

Sen. William N. Martin  
P.O. Box 21363  
Greensboro, N.C. 27420  
919-373-1108

Rep. J. Jack Hunt  
Box 277  
Lattimore, N.C. 28089

ADVISORY BUDGET COMMISSION CO-CHAIRMEN

Sen. Kenneth C. Royall, Jr.  
P.O. Box 8766  
Durham, N.C. 27707  
919-489-9191

Rep. Dwight W. Quinn  
Drawer I  
Kannapolis, N.C. 28081  
704-933-1221

STAFF

Ms. Carolyn H. Wyland,  
Senior Fiscal Analyst  
Fiscal Research Division  
North Carolina General Assembly

Ms. Libby Lefler, Attorney  
General Research Division  
North Carolina General Assembly

Ms. Michele Nelson, Fiscal Analyst  
Fiscal Research Division  
North Carolina General Assembly

Mrs. Mary B. Whiting  
Committee Clerk  
North Carolina General Assembly



Joint Legislative Commission On Governmental Operations

State Legislative Building

Raleigh, North Carolina 27611

December 4, 1985

The Honorable Edward Renfrow  
State Auditor  
Office of the State Auditor  
State Legislative Office Building  
Raleigh, North Carolina 27611

Dear Ed:

Under the authority granted to the House Speaker and the Lieutenant Governor in Article 5A of Chapter 147, Speaker Ramsey and I respectfully request that the Office of State Auditor conduct an operational audit of the state prison system.

As Co-Chairmen of the Governmental Operations Committee, we believe this audit will provide useful information in helping the General Assembly determine appropriate funding for the prison system. While our system has a rated capacity of 16,695, as of October 14, 1985, the number of inmates totaled 17,958. North Carolina has one of the highest prison populations in the nation, and the State recently signed a consent agreement totaling approximately \$12.5 million to relieve overcrowding in 13 facilities in the southern Piedmont.

In the audit, we ask that you review a number of areas to provide information that can assist legislators in making the difficult decisions regarding the prison system. We request that you perform a detailed audit to:

- (1) determine the composition of the present prison populations by types of crime, age of inmate, and other characteristics
- (2) identify the effects of overcrowding on prosecutions and sentences, including pressures to plea bargain, and to grant paroles
- (3) in so far as possible, project future crime rates and the demand for prison facilities

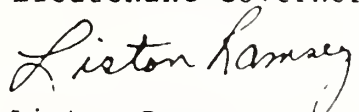
- (4) determine the present costs of operating the various types of prison facilities and identify inefficiencies in such operations
- (5) identify the number of inmates in the various prison custody levels, the costs of the respective custody levels, the rate of progress through the custody levels, and the means by which custody level decisions are made
- (6) analyze the costs of constructing new prison facilities, renovating or converting existing structures, and other means of providing prison facilities including contracts with private industry
- (7) analyze the costs, capabilities, and limitations of alternatives to prison sentences, such as community service and intensive probation
- (8) identify the State's duties under completed litigation and the potential impact of pending or threatened litigation
- (9) identify the impact of the Fair Sentencing Act, including the availability of various statutory credits to reduce prison terms, on length of active sentences and the size of the prison population
- (10) statistically analyze the impact of the length of sentences on recidivism
- (11) disclose the efforts and experience of other states in addressing prison overcrowding.

In addition, if during the course of the audit you discover aspects that need to be addressed, we would expect you to do so. As we see it, the audit would build upon the work already performed by other groups and agencies. The audit would provide the General Assembly with an independent assessment of the problems and alternative solutions.

We look forward to receiving your response and welcome any suggestions you may have about the proposed operational audit.

Sincerely,

  
Bob Jordan  
Lieutenant Governor

  
Liston Ramsey  
House Speaker

cc: Governor Martin  
Secretary Johnson

PERSONS MAKING PRESENTATIONS

Edward Renfrow, State Auditor  
Department of State Auditor

Andrew A. Vanore, Jr., Deputy Attorney General  
North Carolina Department of Justice

Lucien (Skip) Capone, III, Assistant Attorney General  
North Carolina Department of Justice

Ray Mozingo, Assistant State Auditor Supervisor  
Department of State Auditor

William Billings, Audit Manager  
Department of State Auditor

Ben Irons, Executive Administrative Assistant  
North Carolina Department of Correction

Aaron J. Johnson, Secretary  
North Carolina Department of Correction

Scott Harvey, Deputy Secretary  
North Carolina Department of Correction

John Higgins, Deputy Secretary  
North Carolina Department of Correction

Joseph Dean, Secretary  
North Carolina Department of Crime Control & Public Safety

Alma Brown, Deputy Director  
Division of Victim and Justice Services  
North Carolina Department of Crime Control & Public Safety

Dennis Schrantz, Community Penalties Development Specialist  
Division of Victim and Justice Services  
North Carolina Department of Crime Control & Public Safety

Stevens Clarke, PhD., Assistant Director  
Institute of Government  
University of North Carolina at Chapel Hill

Lynn Phillips, Program Services Director  
Division of Prisons  
North Carolina Department of Correction

George Barnes, Assistant Director  
Division of Adult Probation and Parole  
North Carolina Department of Correction

Nevelle Jones, Psychological Programs Manager  
Division of Prisons  
North Carolina Department of Correction

Les McLemore, Chief of Program Support Branch  
Division of Mental Health/Mental Retardation and Substance  
Abuse Services  
North Carolina Department of Human Resources

Robert Hassell, Director  
Division of Victim and Justice Services  
North Carolina Department of Crime Control and Public Safety

Jay Williams, PhD., Visiting Lecturer  
Department of Sociology and Anthropology  
North Carolina State University

David Crotts, Senior Fiscal Analyst  
Fiscal Research Division  
North Carolina General Assembly

Joseph L. Hamilton, Assistant Director for Management Services  
Division of Prisons  
North Carolina Department of Correction

Gregory Berns, Assistant State Auditor Supervisor  
Department of State Auditor

Ruth Starnes, Assistant State Auditor  
Department of State Auditor

Curtis Clark, Assistant State Auditor  
Department of State Auditor

INFORMATION PRESENTED TO THE COMMITTEE

Information from Other States on Conditions of Confinement Suits

Prison Conditions Suits Pending

Prison Overcrowding - Outline of Law

Authority To Contract with Private Agencies for Housing Prisoners

North Carolina Department of Correction Statistical Abstract  
July through September, 1985

Operational Audit Report on the Division of Adult Probation and Parole as Administered by the Department of Correction and the Parole Commission

Operational Audit Report of the Community Service Program as Administered by the Department of Crime Control and Public Safety

N.C. Department of Correction Breakdown of Prison's Custody Levels for December 31, 1985

N.C. Department of Correction Operating Cost by Functional Area for FY 1984-85

N.C. Department of Correction Prison's Operating Cost by Line Item for FY 1984-85

N.C. Department of Correction Average Daily Cost per Inmate by Unit for FY 1984-85

Prison Population Statistics as of December 31, 1985

Community Penalty Programs Cumulative Data, April 1984 - February, 1986

Community Penalties Programs Development Plans for FY 1986-87

Community Service Work Program-Staff and Court Rosters

Community Service Work Program Expansion Budget Request

Corrections at the Crossroads: Plan for the Future

Returns to Prisons in North Carolina

Programs of Incarceration and Community Alternatives in North Carolina



Treatment Alternatives to Street Crimes - Diversion and  
Recidivism

Chemical Dependency Detoxification and Intensive Treatment  
Facilities in North Carolina

Education for Drunk Drivers: How Well Has It Worked in North  
Carolina

Statewide Expansion of Community Penalties Grant Programs

Academic and Vocational Program Capacity in the Division of  
Prisons

Minimum Custody Facility Report

Minimum Custody Facility Map

Assessment of Facility Expansion (Minimum Custody)

Inmate Skill Level

Classification and Work Release Policy

Home Area Assignment of Inmates

Vacant Public School Buildings; Vacant and Underutilized  
Facilities in the Department of Human Resources; and State Farm  
Lands and Facilities in North Carolina

Employment, Economic, and Population Data for North Carolina

Revocation Rates - Adult Probation/Parole

Work Release Inmate Profile

Work Release Escape Profile

Community Penalties Program Expansion FY 1986-89

Preliminary Operational Audit Report to the Special Legislative  
Committee on Prisons

Effectiveness of the Felony Alternative Sentencing Program in  
Hickory, North Carolina

CAPITAL PROJECTS - DEPARTMENT OF CORRECTION

<u>Year Funded</u>	<u>Project Name</u>	<u>Actual Cost</u>	<u>No. of Beds</u>	<u>County of Location</u>
1974	Piedmont Correctional Center	\$13,415,633	472	Rowan
	Addition to Caledonia	2,601,362	142	Halifax
	Modular Dorms - 32 Units	2,906,455	1,024	Various counties
	(6) 24 Single Cell Additions	1,348,734	144	Stanley, Yadkin, Caswell, Scotland, Avery, McDowell
	(14) 28 Single Cell Additions	4,546,813	392	Columbus, Currituck, Pender, Watauga, Cleveland, Franklin, Johnston, Washington, Warren, Robeson, Guilford II, Davie, Iredell, Mecklenburg II
	NCCCW-28 Single Cell Addition	398,051	28	Wake
	Rowan-28 Single Cell Addition	408,802	28	Rowan
1977	Addition to Odom	3,996,042	144	Halifax
	Addition to McCain	3,365,541	144	Hoke
	Purser Building	309,082		Wayne
1978	Eastern Correctional Center	17,504,837	480	Greene
	Central Prison, Phase I	27,780,095	384 (450) Net Loss	Wake
1979	Southern Correctional Center	16,313,595	480	Montgomery
1981	NCCCW-Vocational Training Bldg.	147,234	0	Wake
1982	Central Prison, Phase II	6,402,778*	192	Wake
1984	Harnett-Chapel	50,000*	0	Harnett
	Greene-Admin. Unit	60,000*	0	Greene
	Duplin-Admin. Unit	60,000*	0	Duplin
	Duplin-Vocational Building	64,000*	0	Duplin
1985	South Piedmont Area-Dormitories, Rec. Bldgs., Renovations, etc.	10,073,000*	No Gain	Various
	NCCCW-Infirmery	1,700,000*	0	Wake
	Harnett-Vocational Building	325,000*	0	Harnett
	Eastern Correctional Center- Vocational Building	137,900*	0	Greene
	Southern Correctional Center- Vocational Building	191,400*	0	Montgomery
		<u>\$114,106,354</u>	<u>3,604</u>	

\*Projects incomplete at this time. Amount given is State appropriation.



FACILITIES TRANSFERRED TO THE DEPARTMENT OF CORRECTION

<u>FACILITY</u>	<u>CAPACITY</u>
Cameron Morrison	480
Fountain	200
Wayne Correctional Center (Purser Building)	200
McCain Hospital	300
Butner Youth Center	100
	<u>1,280</u>

## Executive Summary

### Introduction

Community service is being used at an increasing rate by judges in North Carolina as a sentencing option for defendants convicted of a variety of offenses. A community service sentence means the defendant is required to work a certain number of hours within a specified time without pay at a non-profit or governmental agency.

From October 1983 to July 1985 there were 1,307,786 hours of community service performed by 49,591 defendants. The work location is assigned and the completion of the service is monitored by a community service coordinator. There are 130 coordinators stationed throughout the State. They are employees of the Division of Criminal and Justice Services in the Department of Crime Control and Public Safety.

The Community Service Program was originally funded by state grants in fifteen local communities until the passage of the Safe Roads Act in 1983 provided funding for a statewide program. Defendants sentenced to community service are assessed a fifty dollar fee to help offset the cost of the program. The majority of these defendants were convicted of driving while impaired.

### Findings and Recommendations

#### Management

The State has not exercised its authority to manage the Community Service Program consistently in all thirty-four judicial districts. Caseloads among the coordinators range from a low of twenty-three in one district to a high of 280 in another. Chief District Court Judges still have veto power over the hiring of coordinators by the Department of Crime Control and Public Safety.

We recommend that the Division of Victim and Justice Services manage the program more effectively by transferring positions to the areas where they are most needed.

We also recommend that final authority for hiring coordinators be given to the Department of Crime Control and Public Safety.

## Policies and Procedures

Coordinators interviewed stated that their major concern was the lack of a Policy and Procedures Manual. Management stated that one is being developed currently. We recommend that the development of this manual be given a high priority by the division.

## Organizational Structure

Some judicial districts have a program manager who represents the first level of supervision over the coordinators. Other districts do not and each coordinator independently reports to a specialist in the Raleigh division office.

Secretaries in many districts are performing as coordinators. In other districts the secretaries have a lack of work because funds are insufficient to travel to the different offices within the district.

Assistant coordinators and coordinators perform the very same functions but are not paid at the same level.

We recommend that each district be assigned a program manager. If some districts need an additional coordinator rather than a secretary, the secretary's position should be reclassified. We also recommend that assistant coordinators be classified the same as coordinators because the duties are identical.

## Program Managers Not Carrying Caseloads

Program managers in two judicial districts are not carrying caseloads. In addition, they are spending much of their time on non-community service activities.

We recommend that all program managers carry a caseload and that their salaries from the Community Service Program be adjusted according to the amount of time they spend on the Community Service Program.

## Monitoring of Court

Community service coordinators spend a great deal of time monitoring court either because the local judges require it or they feel that this is the best method of identifying all defendants sentenced to perform the service. In some districts an employee of the Clerk of Court will direct the defendant to the community service coordinator's office.

We recommend that the division make an effort to convince judges that the coordinators' time could be more effectively used performing functions related to their caseload. The division should seek the cooperation of all Clerks of Court in directing defendants sentenced to community service to the appropriate reporting location.

### Duplication

Some duplication exists between coordinators and probation and parole officers when a defendant is sentenced to community service and is also placed on supervised probation.

We recommend that the probation officers rely on the community service coordinators to monitor the performance of community service for these defendants and to report the results to the probation officer.

### Community Penalties

A state funded community penalties grant provides funds for ten positions in Raleigh, Fayetteville, Greensboro, Hickory, and Asheville. These people at the request of judges and defendants' attorneys prepare a detailed sentencing plan designed to give the judge an alternative to issuing an active jail sentence. The development of the plan requires an extensive background investigation on the defendant. Performing background investigations at the request of a judge has long been a function of a probation and parole officer.

We recommend transferring the Community Penalties grant to the Division of Adult Probation and Parole. Most of the people we interviewed expressed the opinion that the Division of Adult Probation and Parole is the correct location for this function.

### Transfers

Even though a defendant can request and be allowed to perform community service in an area other than the county in which he is convicted, the ultimate responsibility for the monitoring of the service remains with the coordinator in the convicting county.

We recommend that management consider transferring the ultimate responsibility for these cases to the coordinator in the county where the service is to be performed.

## EXECUTIVE SUMMARY

Probation is a judicial power which allows the trial court at the time of sentencing to suspend, for a time specified, a prison sentence on the condition that the defendant abide by the conditions of probation. Parole is an executive power which allows the Parole Commission to release an inmate from prison prior to the expiration of his prison sentence and to permanently suspend the remaining sentence if the inmate abides by the conditions of parole. The supervision of both probationers and parolees is the responsibility of the probation/parole officers (PPOs) in the Department of Correction's Division of Adult Probation and Parole. During the summer of 1985 the division had 492 PPOs in twelve branch offices supervising approximately 57,000 probationers, for an average caseload of 115. At the same time the division had 54 PPOs in seven Pre-Release and After Care (PRAC) centers supervising approximately 3,700 parolees, for an average caseload of 69.

### Findings and Recommendations

#### Supervision of PRAC Centers

The directors of the individual PRAC centers report, in order, to:

- . The assistant director of PRAC.
- . The director of PRAC.
- . The chief of Program Services.
- . The assistant director of the Division of Adult Probation and Parole.
- . The director of the Division of Adult Probation and Parole.

The managers of the branch offices, who have more employees to supervise, report only to the chief of Field Operations, the assistant director, and the director. It appears that there are unnecessary levels of supervision over the PRAC centers.

We recommend that the Secretary and the director critically evaluate the supervision needed over the PRAC centers so that unnecessary levels which adversely effect efficiency can be eliminated.



### Assistant Branch Managers

Nine of the twelve branch offices are headed by a branch manager and an assistant branch manager. The remaining three branches have a branch manager and two assistant branch managers. The second assistant appears unnecessary. The division has been eliminating these positions as they became vacant and we commend them for doing so.

### Volunteer Services Coordinator

The division makes extensive use of volunteers throughout its operations and has a volunteer services coordinator who is responsible for recruiting volunteers. However, since recruitment is primarily a local issue, each branch office designates one PPO in each of its units to also serve as a coordinator of volunteer services. This duplication of effort raises questions as to the necessity for a coordinator of volunteer services at the division level.

We recommend that the Secretary and the director critically evaluate the need for a coordinator of volunteer services at the division level and eliminate the position unless it is found to be necessary.

### Community Readiness Training (CRT)

This is a pilot program that was begun in 1980 under a federal grant and has been state supported since fiscal year 1984-1985. The program operates only in the southern Piedmont area and provides readjustment training for inmates housed in that area who are expected to receive work release. The program's impact on recidivism is very small, only 1.3 percent lower. It would take \$3,000,000 a year to offer the program statewide. Elimination of the program would save the State approximately \$400,000 a year.

We recommend that CRT be eliminated and the savings used to fund other needs identified in this report.

### Pre-Release Training (PRT)

Each PRAC center offers PRT courses that are designed to teach inmates everyday skills and prepare them for their release. PRT is optional. Inmates used to view PRT as the last step prior to parole and thus were eager to participate. However, that incentive has disappeared with the passage of the Fair Sentencing Act since it largely eliminated discretionary parole and substituted mandatory reentry parole. Enrollment is being kept up by admitting inmates who have substantial time until parole.

In addition, questions exist as to whether PRT should be offered by the Division of Prisons in the correctional facilities.

We recommend that the Secretary carefully examine the impact of the Fair Sentencing Act on PRT and the proper location of PRT.

#### Additional Intensive Probation Teams

The division has eight intensive probation teams. Each team has an intensive probation officer and a surveillance officer and supervises a maximum of twenty-five probationers. Intensive probation is the last alternative to incarceration and differs from regular probation in that there are multiple contacts each week with each probationer. Each additional team saves the State approximately \$220,000 annually because the cost of intensive probation is less than the cost of incarceration. All of the existing teams are being fully utilized, and the division has received multiple requests for additional teams.

We recommend the addition of thirty two-person teams and six three-person teams. The addition of these teams should save the State approximately \$8.8 million per year.

#### Intensive Parole

The division also has one intensive parole team. The team, which is located in Greensboro, has never been fully utilized, in part because there are not sufficient numbers of inmates suitable for intensive parole who are being released to that area. We recommend converting the team to intensive probation. If the Department and the Parole Commission wish to further test the concept of intensive parole, we suggest that a limited number of spaces on the intensive probation teams be reserved for parolees.

#### Supervision of Intensive Teams

The intensive teams are assigned to the branch offices, and they report to an assistant branch manager. For purposes of their supervision only, the assistant branch manager reports to an intensive team administrator in the division office rather than the branch manager. At a minimum this places the assistant and the branch manager in an awkward situation.

We recommend that the supervision of the intensive teams pass through the branch manager and that the Secretary and the director critically evaluate the need for an intensive team administrator.

### Private Tags for Surveillance Teams

Beginning with fiscal year 1985-1986, all cars assigned to the division were issued yellow permanent license plates rather than private plates. Intensive supervision teams, who visit their probationers at all hours, have reported incidents of harassment and threats since the change. We recommend the issuance of private plates to the intensive supervision teams.

### State Cars

In the past the division assigned cars to almost all PPOs, branch managers, assistant branch managers, and PRAC directors. The division is required to reimburse the Department of Administration for usage of the cars for a minimum of 12,600 miles per year per car. In 1984-1985 the department paid \$378,788 for 353 cars that had not been driven the minimum mileage. In addition, much of the mileage that was driven was for commuting. The Legislature passed a bill in 1985 requiring employees with state-owned vehicles to pay a fee if the vehicles were used for commuting. The department in October of 1985 began charging its employees a commuting fee unless they turned in their car.

In order that the department can decrease its expenditures for mileage not driven, we recommend pooling cars rather than assigning a car to each field employee.

### Monitoring Court

Most sessions of criminal court require the presence or availability of a representative from the branch office. Their primary function is to begin the paperwork for persons placed on probation. The division has used either court in-take officers or PPOs to perform these duties. There are cost advantages to using court in-take officers since they are in a lower pay grade than PPOs. In the past few years the division, with approval from the Office of State Personnel, has upgraded numerous court in-take officer positions to PPO positions on the grounds that more PPOs are needed to help with the increasing case load. However, since the amount of courtroom time for processing has not decreased, one of the effects of the upgrades is to have PPOs rather than court in-take officers in court. Moreover, if procedures could be implemented whereby the Clerk of Court refers offenders to the probation office, the time now used to monitor court by the division could be used to supervise probationers. We are presently conducting a review of the time consumed in court by representatives from state agencies for the purpose of monitoring court.



### Excessive Parole Investigations

The case analysts for the Parole Commission request several types of investigations be performed by PPOs to provide the information needed by the Commission for its decisions. Some of these requests are unnecessary; for example, an analyst may request a crime version, which is a written summary of the crime and surrounding circumstances, on a simple misdemeanor. In addition, analysts have also requested crime versions on each worthless check charge. The Commission has attempted to address this problem by adopting a new policy under which a commissioner, rather than an analyst, will have to approve a request for a crime version for minor charges.

### Review of Case Files

Each unit supervisor is required once every six months to review the file on each case assigned to a PPO in his or her unit. Each month the supervisor and the PPO receive computer printouts showing the assigned cases and the review date. In addition, the assistant branch managers review the files. Some assistants review a sample; others review all the files. We recommend that the director determine if the benefits from these reviews by the assistants justify the time devoted to them.

### Supervision Fees

Parolees have historically been required to pay a supervision fee for each month they are on parole. The present fee is \$10 per month. However, inmates who receive mandatory re-entry parole under the Fair Sentencing Act are not required to pay the fee. Since the Act is not applicable to misdemeanors, many felons do not pay a supervision fee while misdemeanants do. We recommend a revision of the General Statutes to remedy this inequity.

### Monitoring of Community Service

An increasingly popular condition of probation is the requirement that the probationer perform a specified number of hours of community service. The Division of Victim and Justice Services in the Department of Crime Control and Public Safety has community service coordinators throughout the State who are responsible for assigning and monitoring the performance of community service. Nonetheless, some PPOs also monitor the performance of community service by their probationers. In order to eliminate this duplication of effort, we recommend that the PPOs rely on the community service coordinators to monitor and report on performance.

### Budget for Parole Commission Staff

Several years ago the staff was transferred administratively and physically from the Division of Adult Probation and Parole to the Commission. The budget for that staff has not been transferred; we recommend that it be transferred also.

### Review of 90 Day Parole Cases

The General Statutes require the Parole Commission to conduct most of its official business through panels consisting of two commissioners with a third available to cast tie-breaking votes. These statutes were not modified when the Fair Sentencing Act was passed. As a result panels must review and approve all 90 day reentry paroles. Since these paroles are mandatory, the only discretionary decision is what conditions to impose. This discretion is limited. The General Statutes prescribe standard conditions and further provide that the Commission may require medical or psychiatric treatment or impose other conditions only if it appears that the release poses a threat or danger to the health or safety of the public or the prisoner. Given the Commission's extremely limited discretion in reviewing reentry paroles, it appears that it would be more efficient and just as effective if one commissioner could review the case and sign the order. We recommend that the statutes be amended to provide the Commission with such an option.

### Policies and Procedures Manual

The Commission has a policies and procedures manual for its staff. However, the present edition is useless to the staff because it has not been updated for several years, during which time there have been significant changes to the laws regarding parole. An out-of-date manual reduces staff efficiency because analysts have to address their questions to other analysts. This contributes to a lack of uniformity. The chairman of the Commission and the administrator of the staff, both of whom have been in their positions less than six months, have indicated that they intend to update the manual. We recommend that they place a high priority on doing so.

### Training for New Commissioners

Under the General Statutes the terms for all five commissioners of the Parole Commission expire at the same time. As a result, it is possible (and it happened in 1985) that the Commission could be composed of entirely new members. This can create a difficult situation as most commissioners have limited experience with, or exposure to, the parole laws or programs.

Therefore, some time is needed before they can comfortably discharge their duties. However, they are denied this time because of the mandatory reentry parole cases that cannot be postponed. In order to ease the burdens of transition, we recommend that every four years, beginning in 1989, the Commission set aside sufficient funds and staff to conduct a two or three day orientation program for new commissioners.

#### Sharing Crime Versions with Correctional Officers

The Commission's case analysts often request a crime version on inmates shortly after they enter prison. The crime versions are written summaries of the crime and surrounding circumstances. Until recently the crime versions have not been available to prison officials unless they requested a copy. As a result prison officials often have had to rely upon the order of commitment, which lacks detail, or what the inmate tells them. Under these circumstances prison officials were making decisions about custody levels, work release, and other matters without accurate or detailed information. The department and the Commission have recently agreed to begin automatically sharing crime versions and we recommend that they continue to do so.

#### Word Processing Equipment

The Commission's review of approximately 25,000 cases each year generates substantial amounts of paperwork. Much of the paperwork is standard and repetitive. The staff uses pre-printed forms to expedite processing and preparation, however, they do not have any word processing equipment. We recommend that the Commission review its word processing needs and the capabilities of the computer system it has to determine what word processing equipment to acquire. Both before and during the acquisition the Commission should also critically evaluate how many persons are needed to process the paperwork.

#### File Security

The Commission and its staff receive a significant amount of confidential information from judges, law enforcement officers, doctors, and other interested individuals. This information is necessary for an effective discharge of its responsibilities. Several factors detract from the security of the Commission's files: inmate labor is used to perform maintenance, the files are transported on metal carts which are left unattended on occasion, and the files in the offices of commissioners and case analysts remain on their desks or shelves because they do not have file cabinets. As a result of a couple of breaches of security in the last few years, the department and the Commission are taking steps to improve security. We recommend that the Commission receive the funds necessary to store files in file cabinets or to make the individual offices secure.

## EXECUTIVE SUMMARY

### Overview

North Carolina has more prison units than any other state and its incarceration rate is among the nation's highest. Among the eighty-five units are dormitory style prisons and single cell institutions. The majority of prison space built in the last several years have been single cells.

### The Fair Sentencing Act

This legislation was drafted in the 1970's and became effective on July 1, 1981. It placed felons in ten classes and specified a presumptive sentence for each class. The Act limited a judge's discretion in sentencing by requiring the judge to find, in writing, aggravating or mitigating factors if he departed from the presumptive sentence. The Act also eliminated discretionary parole and substituted mandatory reentry parole which must be granted ninety days prior to the expiration of a sentence, adjusted for good time and gain time credits. Based on questionnaires sent to judges and district attorneys in the State, there is a lot of dissatisfaction with the Fair Sentencing Act.

### Inmate Classification

The four inmate classification assignments are maximum, close, medium, and minimum. Minimum custody inmates are further classified as level one, two, or three with the latter being the least restrictive. The crime committed normally determines an inmate's initial classification which is reviewed every six months. Felons will not be promoted to minimum custody unless they are within forty-eight months of a prospective release date. Once assigned to minimum custody the program level is determined by the unit superintendent and is a judgmental decision based on staff recommendations.

### Summary of Cost Data

The Department of Correction has an annual operating budget of \$216 million. It employs over 7,600 employees and consists of two major divisions. These are the Division of Adult Probation and Parole and the Division of Prisons. The average daily cost per inmate in fiscal year 1984-85 was \$30.57.



### Demographics of Prison Population

The prison population at December 31, 1985 was 17,513. Detailed schedules showing the various characteristics of this population is presented in this report in Exhibit "B" of the appendix.

### Consent Judgment

A consent judgment was entered on September 16, 1985 in Hubert V. Ward which alleged that the conditions at the Union County Prison Unit violated the inmates' constitutional rights. The consent judgment covered all the prison units in the South Piedmont Area of the State. The General Assembly appropriated \$12.5 million to the Department of Correction to use in satisfying the requirements of the judgment. Included in the judgment was the construction of five additional dormitories to relieve overcrowding in the facilities.

### Findings

- . The method used to eliminate triple bunking in the South Piedmont Area has resulted in virtually identical dormitories (originally designed as 100-bed units) being certified at capacities ranging from 66 to 90 inmates.
- . We observed examples where purchases were made of televisions, team uniforms, board games, and a piano even though the units already possessed sufficient numbers of these items to satisfy the consent judgment.
- . Ping pong tables were purchased for each unit even though there was no floor space available to use them, and it was agreed that cable would be connected to televisions in each unit at a cost to exceed \$10,000 at some locations. Subsequently, attorneys for both parties agreed that the cost of cable was excessive.
- . Concern also exists over the State's ability to meet agreed upon requirements in programs and activities for inmates.

Recommendation: We recommend that in future negotiations of this type, technical and program staff be involved in order to minimize situations such as the above.

## The Department of Correction's Ten Year Plan

The Governor and Secretary of Correction released in March, 1986 a ten year plan to address the current and future needs of North Carolina's Correction Department. The plan was divided into seven major components. These were (1) Expansion, (2) Intensive Supervision Program, (3) Prerelease and Aftercare Services, (4) House Arrest, (5) Field Services Probation, (6) Privatization, and (7) Community Based Punishment and Rehabilitation Program. The total capital cost of the ten year plan is \$202,000,000. A prison population of nearly 23,000 is projected by 1995. The Department considers the current capacity of the prison system to be 13,000 based on allowing 50 square feet of dormitory space per inmate. The ten year plan, therefore, proposes adding 10,000 beds to the current system. Our findings and recommendations relating to the plan are as follows.

### Population Projection

- . The Department of Correction (DOC) projected that the average annual increase in prison population over the last fifteen years would occur annually during the next ten years. Their projection of the prison population in 1995 is 22,850. They based their expansion request on a population in 1995 of 23,000.

Recommendation: Based on the results of a sophisticated projection model used by our office in cooperation with the Department of Correction and knowledgeable consultants in the field, we project that the population in 1995 will be 19,161. We recommend that prison expansion be based on this projection.

### Expansion

- . The Department used 50 square feet per inmate in dormitories when computing the current prison capacity. DOC's total capacity of the current system is 13,000.

Recommendation: Use 40 square feet per inmate in existing dormitories for a capacity of 14,800. We are not currently under any requirement to allocate each inmate 50 square feet although this should be the guideline for all present and future construction.

- . The current prison system is overpopulated by 2,700 inmates. There are approximately 800 beds now under construction. This results in an immediate need for 1,900 additional beds.

Recommendation: Construct 100-bed South Piedmont style dormitories at existing facilities to provide 1,800 additional spaces for the current inmate population. This construction should include two 100-bed dormitories for women at existing women's facilities.

Renovate and repair the older facilities where it is feasible to do so. A list of priorities should be developed for those facilities that need renovation and repairs.

As future funding becomes available, construct additional dormitories at existing facilities to further reduce population to provide 50 square feet per inmate and to replace dormitories that reach a state that is unrepairable.

- . The medium custody facility in Asheville (Craggy Prison) is in desperate need of replacement. Only one of the medium custody facilities in the West can be expanded.

Recommendation: Replace Craggy Prison with a new South Piedmont Style dormitory facility that will house 300 medium custody inmates. This will provide an additional 100 medium custody beds over the current capacity.

- . The need for a 500-bed single cell institution in western North Carolina is questionable. A new dormitory-style facility that replaces Craggy Prison and provides additional medium custody beds may eliminate the need for a single cell institution.

Recommendation: Appropriations for the construction of a 500 single cell institution in western North Carolina should be delayed until all other possibilities of providing space for medium custody inmates have been exhausted, or the Department documents the need for single cells.

- . The Department of Correction has historically given womens' correctional needs low priority. These needs are not addressed in the ten-year plan.

Recommendation: The Department should address the needs of the female prison facilities. A plan should be developed toward segregating the various custody levels of the female inmate population.

## Intensive Probation

- . Intensive probation provides an alternative to incarceration through an intensive community based supervision program for a selected group of convicted felons. There are only nine teams currently in the State.

Recommendation: We recommend that intensive supervision be expanded by thirty-six teams providing an additional 990 intensive supervision slots at an annual savings of over \$8 million compared to the average cost of prison. We recommend that some slots on these teams be reserved for the placement of parolees who require this type of close supervision.

- . The reporting structure for intensive teams bypasses the Branch Managers in the chain of command.

Recommendation: We recommend that intensive teams report through the Branch Manager of the probation office in the area they are assigned.

- . The Department is currently leasing separate office space for intensive teams and intends to continue this practice with any new teams that are funded. Estimated cost will be \$200,000 annually.

Recommendation: We recommend that intensive teams work out of the same office as the regular probation units in the same area.

## Prerelease and Aftercare Services

- . We question the effectiveness of the Prerelease Training Program and its location in the Division of Adult Probation and Parole.

Recommendation: The Department should evaluate the Pre-release Training Program in terms of its costs and effectiveness. Consideration should be given to moving the program to the Division of Prisons.

## Field Services Probation

- . The caseloads for regular probation officers are 115 each. This rate is too high for effective supervision over probationers.

Recommendation: We recommend an increase of 78 probation officers to reduce the average caseloads to 100 each.

We also recommend that caseloads be reviewed periodically and that a sufficient number of officers be added to keep the caseloads at 100 per officer.



- . The Department estimates that 10% to 15% of all probationers are placed on supervised probation just for the purpose of monitoring payment of fees. It requests funding for positions to serve as court collection officers to perform this function.

Recommendation: We question the need for these positions since the Administrative Office of the Courts is in the process of upgrading its automated equipment to serve this purpose.

#### Privatization

- . Our analysis of the concept of privatization of correctional facilities revealed numerous concerns which, in our opinion, have not been satisfactorily resolved.

Recommendation: We recommend that additional research and planning are necessary before a decision to fund private prisons can be made.

#### Community Based Punishment and Rehabilitation Program

- . The Department proposes to fund a program that will provide state funds to pay for local provider services to offenders who are "prison bound." The need for services will be determined and presented to a judge prior to sentencing. The differences between this program and Community Penalties is that the Department will provide funds to pay for the services.

Recommendation: We recommend that funding for the Community Based Punishment and Rehabilitation Program be delayed until the completion of an operational audit on the fragmentation of various criminal justice programs is completed by our office. This program is currently in progress.

#### Alternatives to Incarceration

- . The Community Penalties Program is available in only five of the thirty-four judicial districts in the State. Studies of the program indicate success in diverting some felony offenders from prison.

Recommendation: We recommend that the Community Penalties Program be expanded to all thirty-four judicial districts. This would require expansion into twenty-nine additional districts.

- . The Community Penalties Program is currently funded by state grants from the Department of Crime Control and Public Safety to local programs, usually operated by non-profit corporations.

Recommendation: The Community Penalties Program should be funded by appropriations to the Department of Crime Control and Public Safety. The Department should administer the program with the same management that now administers the Community Service Program. It should be funded at 100%, and, in those areas where the community service coordinators have low caseloads, they should be used to reduce the number of additional positions required to expand the program.

- . The Community Penalties Programs are designed to prepare sentencing plans on "prison bound" class H, I, and J felons only. Currently, the program in Asheville is the only program that prepares sentencing plans on offenders that are not in this category.

Recommendation: We recommend that the purpose of the Community Penalties Program be expanded to include any "prison bound" offender for whom the court requests a sentencing plan.

#### Community Service Parole

- . The Parole Commission has paroled only 88 inmates under community service parole since its inception in 1984. The intent of the legislation authorizing this type of parole was to help in relieving prison overcrowding.

Recommendation: We recommend that the Parole Commission use the program to parole as many non-violent prisoners as possible from those who are eligible and present no threat to the community.

#### Management Issues

- . The organizational structure of the Department of Correction, with its multiple layers of management, has adversely affected the responsiveness of the department to the needs of the units. Creation of several new positions in the Secretary's office has resulted in fragmented decision making responsibility and may be unnecessary.

Recommendation: We recommend that the Secretary review the current organizational structure of the department to determine whether it is the most efficient. We also recommend that the Secretary:

- . Clearly define and communicate the goals and objectives of the Department and identify the responsibilities and authorities of the management team.
- . Hold periodic meetings with every level of management to distribute information and provide a forum for input and feedback.
- . The chain of command should be clearly delineated and supported by the Secretary's office. Unit level staff should report through the chain of command.
- . The most consistent operational problems identified by unit superintendents was the lack of adequate staff.

Recommendation: The Department should standardize the staffing patterns at the units.

- . Dormitories are housing 20%-30% more inmates than they were designed to hold. The ten-year plan does not specifically address the renovation needs of dormitories in poor physical condition.

Recommendation: We recommend that the Department determine the physical condition of the existing facilities. The Department should then establish a schedule of priorities to address the identified deficiencies. An inventory should also be made of the equipment needs of the facilities.

- . The Department is currently not charging a fee to counties for the safekeeping of county inmates in the State's prison system. This charge for safekeeping is required by G.S. 167-39.

Recommendation: The Department should begin compliance with all the requirements of this General Statute.

- . In our opinion, the current working relationship between the Division of Prisons and the support services of the Department is counter-productive to the effective and efficient operations of the department.

Recommendation: We recommend that management take immediate steps to define the roles of the various divisions and sections of the Department.

We further recommend that the Department review the staffing requirement of the various support services to see if they are adequate.

### Standards and Accreditation

- . Our audit revealed that the prison units are required to meet standards in certain areas such as health, fire, and OSHA standards as well as various building codes. The Department does not have a composite listing of the standards it is required to meet.

Recommendation: We recommend that the Department research the standards the units are currently required to meet and determine which agencies are responsible for evaluating the performance of these standards.

- . The Department's policies and procedures manuals are not being updated in a timely manner.

Recommendation: We recommend that the Department give priority to the timely updating of the policies and procedures manuals.

### Staff Training

- . The Department's custodial staff, probation officers and parole officers are required to complete 160 hours of basic training and other in-service training courses. This instruction is done by Correction's staff at the Justice Academy in Salemburg, North Carolina. The Department has experienced some difficulty in getting its training needs accomplished in the past, due to the limited amount of space available at the Academy.

Recommendation: We recommend that the Department seriously consider moving its training operation to an underutilized facility that has been identified in Butner, North Carolina. Another option would be for the Justice Academy to operate the facility. We encourage the Department of Correction and the Justice Academy to cooperatively negotiate an acceptable and cost efficient solution to Correction's training needs.

### Training Schools in North Carolina

- . The physical condition of the training schools is poor. They are in need of immediate attention.

Recommendation: We recommend that the following be provided to the training schools.

- . Power generators
  - . Radio base station and radios
  - . Emergency lights in buildings
  - . Adequate number of desks and chairs
  - . Security screens
  - . Personal storage space
- . Some of the sleeping quarters at the training schools do not meet fire and safety standards.

Recommendation: We recommend that Leonard cottage at Dobbs School be re-opened and appropriately staffed, Samarkand's excess population be transferred to Dobbs School, and that two 50-bed dormitories be constructed at Jackson School.

- . We were asked to determine if one of the existing training schools should be closed and the effect this will have on accreditation.

Recommendation: We recommend that all five training schools remain open since the closing of a school would overpopulate the remaining schools, adversely affecting their accreditation.

